

To: Jones, Enesta[Jones.Enesta@epa.gov]; Cohen, Nancy[Cohen.Nancy@epa.gov]; Smith, Bonnie[smith.bonnie@epa.gov]; Thomas, Latosha[Thomas.Latosha@epa.gov]; Deitz, Randy[Deitz.Randy@epa.gov]; Hodgkiss, Kathy[Hodgkiss.Kathy@epa.gov]; Conger, Nick[Conger.Nick@epa.gov]; Gentile, Laura[Gentile.Laura@epa.gov]
From: duteau, helen
Sent: Fri 1/17/2014 9:13:52 PM
Subject: RE: ACTION: west virginia chemical spill from Dominion Post; ddl: 5 pm today - DRAFT RESPONSE.

Just sent you draft response!

-----Original Message-----

From: Jones, Enesta
Sent: Friday, January 17, 2014 4:13 PM
To: Cohen, Nancy; Smith, Bonnie; Thomas, Latosha; Deitz, Randy; duteau, helen; Hodgkiss, Kathy; Conger, Nick; Gentile, Laura
Subject: Re: ACTION: west virginia chemical spill from Dominion Post; ddl: 5 pm today - DRAFT RESPONSE.

All,
How are we coming on this one?

From: Cohen, Nancy
Sent: Friday, January 17, 2014 1:01:45 PM
To: Cohen, Nancy; Jones, Enesta; Smith, Bonnie; Thomas, Latosha; Deitz, Randy; duteau, helen; Hodgkiss, Kathy; Conger, Nick; Gentile, Laura
Subject: RE: ACTION: west virginia chemical spill from Dominion Post; ddl: 5 pm today - DRAFT RESPONSE.

All: a revision from OEM follows . . .

Ex. 5 - Deliberative

From: Cohen, Nancy
Sent: Friday, January 17, 2014 12:58 PM
To: Jones, Enesta; Smith, Bonnie; Thomas, Latosha; Deitz, Randy; duteau, helen; Hodgkiss, Kathy; Conger, Nick; Gentile, Laura
Subject: RE: ACTION: west virginia chemical spill from Dominion Post; ddl: 5 pm today - DRAFT RESPONSE.

All: FYI: this just in from OEM . . .

Ex. 5 - Deliberative

Here are the more technical details.

The SPCC regulations apply to any owner or operator of a non-transportation-related onshore or offshore

facility engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, which due to its location, could reasonably be expected to discharge oil in quantities that may be harmful, as described in 40 CFR part 110, into or upon the navigable waters of the United States or adjoining shorelines. 40 CFR 112.1(b). Upon sale of the facility in 2001, bulk storage of petroleum based products ceased. Freedom Industries, Inc., a chemical distributor, currently operates the facility. We understand the facility currently stores crude glycerin which is comprised of up to 10% animal fat, vegetable oil or biodiesel. Therefore the crude glycerin is an oil subject to the SPCC regulations and the tank capacity is of such a volume that the tank or tanks storing crude glycerin would be regulated under the SPCC regulations. However, this does not trigger any facility wide responsibilities, the boundaries are the applicable portion of the facility. It is our further understanding that the tank or tanks that did discharge did not contain the crude glycerin and are not subject to the SPCC regulations.

-----Original Message-----

From: Jones, Enesta

Sent: Friday, January 17, 2014 12:47 PM

To: Smith, Bonnie; Cohen, Nancy; Thomas, Latosha; Deitz, Randy; duteau, helen; Hodgkiss, Kathy; Conger, Nick; Gentile, Laura

Subject: RE: ACTION: west virginia chemical spill from Dominion Post; ddl: 5 pm today - DRAFT RESPONSE.

+HQ OECA

-----Original Message-----

From: Smith, Bonnie

Sent: Friday, January 17, 2014 12:46 PM

To: Cohen, Nancy; Jones, Enesta; Thomas, Latosha; Deitz, Randy; duteau, helen; Hodgkiss, Kathy

Subject: RE: ACTION: west virginia chemical spill from Dominion Post; ddl: 5 pm today - DRAFT RESPONSE.

Nancy - I spoke with our SPCC enforcement coordinator here and we have a draft response:

DRAFT Response:

Ex. 5 - Deliberative

-----Original Message-----

From: Cohen, Nancy

Sent: Friday, January 17, 2014 12:37 PM

To: Cohen, Nancy; Jones, Enesta; Thomas, Latosha; Deitz, Randy; Smith, Bonnie; duteau, helen

Subject: RE: ACTION: west virginia chemical spill from Dominion Post; ddl: 5 pm today

Enesta: OEM is updating the response. So we'll have asap, nancy

-----Original Message-----

From: Cohen, Nancy

Sent: Friday, January 17, 2014 12:35 PM

To: Jones, Enesta; Thomas, Latosha; Deitz, Randy; Smith, Bonnie; duteau, helen

Subject: RE: ACTION: west virginia chemical spill from Dominion Post; ddl: 5 pm today

Enesta: I'm confirming with the program but

Ex. 5 - Deliberative

Ex. 5 - Deliberative DECA can address enforcement issues. I'll let you know when I hear back from the program, nancy

-----Original Message-----

From: Jones, Enesta

Sent: Friday, January 17, 2014 11:48 AM

To: Cohen, Nancy; Thomas, Latosha; Deitz, Randy; Smith, Bonnie; duteau, helen

Subject: ACTION: west virginia chemical spill from Dominion Post; ddl: 5 pm today

Please see below.

From: David Beard <dbeard@dominionpost.com>

Sent: Friday, January 17, 2014 11:29:14 AM

To: Jones, Enesta; Milbourn, Cathy; Valentine, Julia

Subject: west virginia chemical spill

Hi all,

The Region 3 press contact is apparently on vacation, so I am writing to you for assistance. I hope one or all can help.

You may be aware of the above-ground storage tank leak at the Freedom Industries site in Charleston, WV, the led to the chemical spill that shut down our water supply for some time.

An expert from West Virginia University said this morning that an EPA SPCC plan should have been in place and apparently wasn't.

I'd like to find out if a plan was in place, if the EPA or appropriate agency conducted inspections in keeping with the plan, and if the EPA had any enforcement issues associated with Freedom Industries. I may have follow-up questions depending on your answers. My deadline is 5 p.m. today. I would request an acknowledgement of receipt.

Thanks,

David Beard
Reporter

The Dominion Post
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